

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**LIFESTYLE COMMUNITIES, LTD., et al.,** ) Civil Action 2:22-CV-1775  
  )  
Plaintiffs,                                )  
v.  ) Judge Sarah D. Morrison  
  )  
**CITY OF WORTHINGTON, OHIO,**          )  
Defendant.                                ) Magistrate Judge Elizabeth P. Deavers  
  )

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**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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**EXHIBIT 14**

*LIFESTYLE COMMUNITIES*

*vs.*

*CITY OF WORTHINGTON*

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Deposition of

**Thomas Hart**

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January 11, 2024

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PRI COURT  
REPORTING

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1           IN THE UNITED STATES DISTRICT COURT  
2           SOUTHERN DISTRICT OF OHIO  
2           EASTERN DIVISION

3       LIFESTYLE COMMUNITIES,                     )  
4       LTD., ET AL.,                                  )  
4       Plaintiffs,                                      )  
5    )  
6       vs.    ) Case No.  
7       CITY OF WORTHINGTON,                          ) 2:22-cv-1775  
7       OHIO,    )  
8       Defendant.                                      )

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10

11   DEPOSITION

12   of THOMAS L. HART

13

14   Taken at the offices of  
15   Vorys Sater Seymour and Pease LLP  
15   52 East Gay Street  
16   Columbus, Ohio 43215

17

18   on January 11, 2024, at 9:30 a.m.

19

20   Reported by: Julia Lamb, RPR, CRR

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1 APPEARANCES:

2 Christopher L. Ingram  
3 VORYS SATER SEYMOUR AND PEASE LLP  
4 52 East Gay Street  
Columbus, Ohio 43215  
614.464.5480  
5 clingram@vorys.com

6 on behalf of the Plaintiffs.

7 Paul J. Schumacher  
8 DICKIE McCAMEY  
9 600 Superior Avenue East, Suite 2330  
Cleveland, Ohio 44114  
216.390.1795  
10 pschumacher@dmc1aw.com

11 on behalf of the Defendant.

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1 STIPULATIONS

2 It is stipulated by and between  
3 counsel for the respective parties that the  
4 deposition of THOMAS L. HART, the witness  
5 herein, called by the Defendant under the  
6 applicable Rules of Federal Civil Court  
7 Procedure, may be taken at this time by the  
8 stenographic court reporter and notary public by  
9 agreement of counsel; that said deposition may  
10 be reduced to writing stenographically by the  
11 court reporter, whose notes thereafter may be  
12 transcribed outside the presence of the witness;  
13 and that the proof of the official character and  
14 qualification of the notary is waived.

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1 you what we've now marked as Hart Exhibit 1. So  
2 take a minute to look at that.

3 A. (Witness complies).

4 Q. Have you had a chance to look that over?

5 A. Yes.

6 Q. Am I correct that the first two pages of  
7 Exhibit 1 are the original application that you  
8 made on October 2nd, 2020 to the city of  
9 Worthington?

10 MR. INGRAM: Objection. The first two  
11 pages are only the first two pages.

12 Q. That's why I asked the question. Are  
13 the first two pages a portion of the application  
14 you made on October 20th -- I'm sorry,  
15 October 2nd, 2020?

16 A. It's just the cover pages to the  
17 application form.

18 Q. And page 3 is your letter submitting a  
19 revised concept plan in September -- I think  
20 September 10th of 2021. Is that correct?

21 A. Yes.

22 Q. Okay.

23 A. Could I correct something really quick?

24 Q. Sure.

1 like a copy of this document or do you have one?

2 MR. INGRAM: We've got a copy of it.

3 MR. SCHUMACHER: Okay. Could you put a  
4 sticker on the front of it.

5 May I retain the original?

6 MR. INGRAM: It's your deposition.

7 MR. SCHUMACHER: I will retain the  
8 original.

9 --0--

10 (Hart Exhibit 2 marked.)

11 --0--

12 BY MR. SCHUMACHER:

13 Q. Mr. Hart, we now marked as Exhibit 2 the  
14 complete binder that I believe you submitted to  
15 the city of Worthington on October 2nd, 2020 to  
16 rezone the UMCH property, correct?

17 A. I'm not sure when I submitted it.

18 Q. Let's look back at Exhibit 1. Does  
19 Exhibit 1 indicate you filed the application on  
20 October 2nd, 2020?

21 A. No.

22 Q. When was it filed?

23 A. I'm not exactly sure when it was filed.

24 Q. Do you have a copy of the application

1 CERTIFICATE

2 STATE OF OHIO :  
3 COUNTY OF FRANKLIN :

4 I, Julia Lamb, RPR, CRR, a  
5 stenographic court reporter and notary public in  
and for the State of Ohio, duly commissioned and  
qualified, do hereby certify that the  
6 within-named THOMAS L. HART was first duly sworn  
to testify to the truth, the whole truth, and  
7 nothing but the truth in the cause aforesaid;  
that the testimony then given was taken down by  
8 me stenographically in the presence of said  
witness, afterwards transcribed; that the  
9 foregoing is a true and correct transcript of  
the testimony; that this deposition was taken at  
10 the time and place in the foregoing caption  
specified.

11 I do further certify that I am not a  
12 relative, employee or attorney of any of the  
parties hereto; that I am not a relative or  
13 employee of any attorney or counsel employed by  
the parties hereto; that I am not financially  
14 interested in the action; and further, I am not,  
15 nor is the court reporting firm with which I am  
affiliated, under contract as defined in Civil  
Rule 28(D).

16 In witness whereof, I have hereunto  
17 set my hand at Columbus, Ohio, on this 23rd day  
of January, 2024.

18

19

20 *Julia Lamb*

21 Julia Lamb, RPR, CRR  
22 Notary Public, State of Ohio

23 My commission expires: 10-10-27

24



**City of Worthington**  
**ARCHITECTURAL REVIEW BOARD**  
Certificate of Appropriateness  
Application

Case #	AR 70-2021
Date Received	
Fee	\$ 200 pd
Meeting Date	10/14/2021
Filing Deadline	09/24/2021
Receipt #	

1. Property Location 1033 High Street, Parcel #100-006774; 100-002427; 100-002425
2. Present/Proposed Use S-1 Special; C-2 Community Shopping; C-3 Institutions/Mixed Use PUD
3. Zoning District S-1, C-3, C-2
4. Applicant \_\_\_\_\_  
Address 230 West Street, Ste. 200, Columbus, OH 43215  
Phone Number(s) 614-918-2000  
Email \_\_\_\_\_
5. Property Owner United Methodist Childrens Home  
Address 431 E. Broad St., Columbus, OH 43215  
Phone Number(s) 614-885-5020  
Email \_\_\_\_\_
6. Project Description modern amenitized mixed use development including single-family homes, owner-occupied townhomes, for-rent townhomes and apartments, commercial uses such as office, medical offices, restaurants, work-facilities and outdoor recreation and community spaces connected with paths and sidewalks, multi-story parking facilities and protected natural area
7. Project Details:
  - a) Design See attached project narratives
  - b) Color Colors vary but are comparable with existing neighborhood
  - c) Size 19 SF, 166 townhomes, 540 apartments, 60,000 SF commercial
  - d) Approximate Cost Estimate pending Expected Completion Date 2 to 4 years from construction start

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

T. H. J. h  
Applicant (Signature)

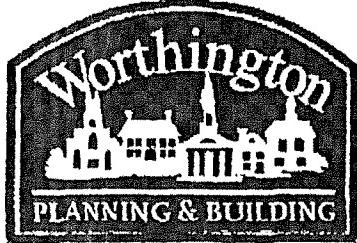
10-02-2020  
Date

Craig You La um.  
Property Owner (Signature) *United Home  
Chapman*

10-2-2020  
Date

**DEPOSITION  
EXHIBIT**

Hart 1 11-24



# City of Worthington

## PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN APPLICATION

Case #	PUD 03-2020
Date Received	
Fee	\$1,300 pd
Meeting Date	10/14/2021
Filing Deadline	09/24/2021

1. Property Location 1033 High St; Parcel#100-006774; 100-002427; 100-002425
2. Present Zoning S-1; Special; C-3 Institutions/Offices Present Use Institutional Office  
C-2 Community Shopping Ctr
3. Proposed Use PUD with Mixed Uses of single family, multi-family, townhouses  
apartments, commercial and medical office
4. Applicant \_\_\_\_\_  
Address 230 West St, Ste 200, Columbus, OH 43215  
Home Phone N/A Work Phone 614-918-2000
5. Property Owner United Methodist Childrens Home  
Address 431 E. Broast St, Columbus, OH 43215  
Home Phone N/A Work Phone 614-885-5020
6. Project Description Modern, amenitized mixed use development including  
single family homes, owner-occupied townhomes, for rent townhomes and apartments,  
commercial uses such as office, medical offices, restaurants, work facilities  
and outdoor recreation and community spaces connected with paths and  
sidewalks, multi-story parking facilities and protected natural area.

### PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Applicant (Signature)

Date

Cynthia Champion for UMC  
Property Owner (Signature) Children's Home  
Champion

Date